

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 18, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: - SUP-15347 - APPLICANT: SUN LOAN COMPANY -
OWNER: PLAZA LOS ARCOS, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/se vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to Requirements 1 through 6 under LVMC Title 19.04.050 for Financial Institution, Specified use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a business license.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Financial Institution, Specified and a waiver of the 1,000-foot distance separation requirement from other Financial Institutions, Specified located at 7591 West Washington Avenue, Suites 140 & 150, on the southeast corner of Washington Avenue and Buffalo Road.

EXECUTIVE SUMMARY

The applicant notes that a Financial Institution, Specified at 7591 West Washington Avenue is unique and in high demand in the area. Similar businesses are located immediately adjacent to the east at 7575 West Washington Ave. (Loan Mart) and 7585 West Washington Ave. (Superpawn) providing a 0' separation where 1000' is required. The applicant has provided no substantial reason for waiving this requirement therefore staff is recommending denial.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|---|
| 11/02/83 | The City Council approved a Petition (A-0010-83) to Annex property generally located west of Lorenzi Boulevard, between Westcliff Drive and Washington Avenue, containing approximately 922 acres of land, including the subject site. The Planning Commission recommended approval on 11/02/83. The effective date was 12/30/83. |
| 12/07/94 | The City Council approved a Rezoning (Z-0131-94) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) for this site as part of a larger request. The Planning Commission had recommended Approval on 12/07/94. The Rezoning expiration date was 12/07/95. |
| 02/07/96 | The City Council approved a Reinstatement and an Extension of Time of an approved Rezoning [Z-0131-94(1)], which expired on 12/07/95. The Planning Commission had recommended Approval on 01/11/96. The Rezoning expiration date was 02/07/97. |
| 05/12/97 | The City Council approved a Reinstatement and second Extension of Time [Z-0131-94(2)] of an approved Rezoning (Z-0131-94) with an expiration date of 05/12/98. The Planning Commission had recommended Approval on 04/10/97. |

- 07/13/98 The City Council approved a third Extension of Time [Z-0131-94(4)] of an approved Rezoning (Z-0131-94) with no time limit. The Planning Commission had recommended Approval on 06/11/98.
- 02/02/99 The City Council approved the request for a Special Use Permit for property located on the south side of Washington Ave. approximately 230 feet east of Buffalo Dr., for a Pawnshop (Superpawn) and a Secondhand Dealer (U-0171-98).
- 11/21/02 The Planning Commission approved a request for a Site Development Plan Review (SDR-1046) for a proposed 11,987 square-foot Pharmacy on 2.5 acres located adjacent to the southeast corner of Buffalo Drive and Washington Avenue. Staff had recommended approval.
- 12/16/04 The City Council approved a request for a Site Development Plan Review (SDR-5393) for a proposed 16,009 square-foot commercial retail center and waivers of building setbacks, building orientation and perimeter and foundation landscaping standards on 1.55 acres adjacent to the southeast corner of Buffalo Drive and Washington Avenue (APN 138-27-301-015).
- 01/20/05 The City Council granted the appeal from denial by the Planning Commission for a request for a Variance (VAR-5531) to allow 93 parking spaces where 180 parking spaces are required.
- 09/21/06 The Planning Commission voted 6-1/se to recommend APPROVAL (PC Agenda Item #25/mh).

Business License History

- 01/03/02 The City of Las Vegas issued license # F02-00231 to “Loan Mart” for a finance company. The business is located at 7575 W. Washington Ave. Suite 123. The license is still active.
- 12/10/04 The City of Las Vegas issued license # P08-00203 to Cash America dba “Superpawn” for an Auto Pawnbroker. The business is located at 7585 W. Washington Ave. The license is still active.
- 03/17/05 The City of Las Vegas issued license # C22-00260 to Cash America dba “Superpawn” for a check cashing service. The business is located at 7585 W. Washington Ave. The license has been inactive since 07/13/2005.

B) Pre-Application Meeting

- 07/28/06 A pre-application meeting was held and the following items were discussed:
- Staff discussed the minimum conditions for Financial Institution, Specified uses and the distance separation required.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 1.55

B) Existing Land Use

Subject Property: Undeveloped

North: Commercial center

South: Summerlin Parkway

East: Commercial center

West: City Park/Fire Station

C) Planned Land Use

Subject Property: SC (Service Commercial)

North: SC (Service Commercial)

South: ROW (Right-of-way)

East: SC (Service Commercial)

West: P/R/OS (Parks/Recreation/Open Space)

D) Existing Zoning

Subject Property: U (Undeveloped) [SC (Service Commercial) General Plan Designation] under a Resolution of Intent to C-1 (Limited Commercial)

North: C-1 (Limited Commercial)

South: U (Undeveloped) [ROW (Right-of-Way)]

East: C-1 (Limited Commercial)

West: C-V (Civic)

E) General Plan Compliance

The subject property is located within the Southwest Sector of the General Plan. The property is designated SC (Service Commercial) in the General Plan. The Variance request is not directly impacted by any specific policies of the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

No special districts or zones are related to the subject property.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution, Specified	2292 SF.	1 space per 250 square feet GFA	10	1	93	

The commercial center in which the proposed use is located would typically require 180 parking spaces. However, a previous Variance (VAR-5531) allows the site to have only 93 spaces. As such, the proposal complies with applicable parking standards.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Financial Institution, Specified	200 Feet from existing residential	200 Feet
	1,000 Feet from a similar use	0 Feet

B) General Analysis and Discussion

- Zoning

The subject proposal complies with the underlying zoning of C-1 (Limited Commercial). This zone allows for most retail shopping and personal services. Typically, this zone lies on the periphery of residential neighborhoods.

- Use

The use proposed is allowed in the zone noted above. However, there are certain conditions that apply (specifically, minimum distance separation requirements) that the proposal does not meet. As such, Staff recommends Denial of the request as the use will not be compatible with surrounding uses based on the intent of the applicable conditions.

- Conditions

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The building and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in LVMC 19.14.090) such as balloons inflated devices, searchlights, pennants, portable billboards, portable signs, steamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon light; or
 - c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting area, customer queuing, and transaction space (such as “teller” windows or desks).

7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use, or auto pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to property lines of fee interest parcels and not leasehold parcels.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use is compatible with the General Plan. However, it is not harmonious with surrounding land uses as it is located within close proximity to uses from which a distance 1000’ distance separation is required

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically able to accommodate the use proposed. Additionally, it will not greatly add to the intensity of the use on the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site is served by Buffalo and Washington (both 100-foot primary arterials). The addition of the proposed use will not render the above right-of-way incapable of handling the traffic load created by the use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposal may be inconsistent with the intent of the General Plan as the use will not meet current distance separation requirements based on Title 19. Such requirements stipulate that certain uses should not be located within close proximity of each other. The subject proposal would violate the intent of these requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 398 by City Clerk

APPROVALS 0

PROTESTS 0